

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MONODIP CHAUDHURI,

Plaintiff,

v.

Case No. 18-cv-508-pp

INTERNATIONAL BUSINESS MACHINES CORPORATION,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR
LEAVE TO PROCEED WITHOUT PREPAYING THE FILING FEE (DKT. NO. 1)**

On April 2, 2018, the plaintiff—who has a lawyer—filed an unsigned complaint, dkt. no. 2, along with a motion asking the court to allow him to proceed without prepaying the filing fee, dkt. no. 1. The plaintiff lives in West Bengal, India. Dkt. No. 3 at 1. The plaintiff alleges that the defendant interfered with his ERISA benefit, and terminated his employment after he inquired about long term disability benefits, but before he become eligible to collect them. Id. at 2-3.

A court may allow a plaintiff to proceed without prepayment of the filing fees if two conditions are met: (1) the plaintiff is unable to pay the filing fee; and (2) the case is not frivolous nor malicious, does not fail to state a claim on which relief may be granted and does not seek monetary relief against a defendant that is immune from such relief. 28 U.S.C. §§1915(a) and (e)(2).

The court needs additional information to evaluate the plaintiff's request to proceed without prepaying the filing fee. In his application, the plaintiff states that he is unemployed, married and responsible for his fourteen-year-old son. Dkt. No. 1 at 1. He left blank the section of the application that asked for his total monthly wages or salary; he indicated that his spouse's monthly wages were "nil." Id. at 2. Yet the application indicates that he pays \$800 rent, \$1,500 toward his credit card, and \$7,000 in other household expenses. Id. He claims a total of \$8,000 in monthly expenses. Id. at 3. He claims to own no car or home, but reports \$4,500 in cash, checking or savings. Id. at 3. Under the section titled "Other Circumstances," the plaintiff adds that he receives very expensive weekly injections and daily medications. Id. at 4.

It is not clear why the plaintiff cannot pay the \$350 case filing fee and the \$50 administrative fee. He says that he has \$4,500 in checking and savings. His complaint says that by October 10, 2017, the Social Security Administration had declared him to be disabled, dkt. no. 3 at ¶10, which means that at some point, he likely received Social Security disability benefits. He does not report his own income. He claims to have \$8,000 a month in household expenses—an astronomical sum—but does not explain what those expenses are for.

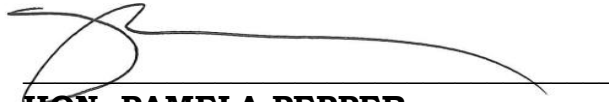
The court will give the plaintiff an opportunity to file an amended request to proceed without prepaying the filing fee, so that he can give the court full, accurate information to support his request. If the plaintiff files an amended,

complete request, the court will review it to determine whether the plaintiff may proceed under 28 U.S.C. §1915(e).

The court **DENIES WITHOUT PREJUDICE** the plaintiff's request to proceed without prepaying the filing fee. Dkt. No. 1. The court **ORDERS** that by the end of the day on August 17, 2018, the plaintiff must file an amended Non-Prisoner Request to Proceed in District Court Without Prepaying the Filing Fee. If the court does not receive the amended request by August 15, 2018, the court will deny the plaintiff's request to proceed without prepaying the filing fee, and will require him to pay the full fee by a date certain.

Dated in Milwaukee, Wisconsin this 26th day of July, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge